

REMARKS

Claims 2-6 and 8-40 are pending. By this Amendment, claim 40 is added, claim 1 is canceled and the dependent claims are amended to depend from claim 40 instead of canceled claim 1. Claims 2, 5, 6, 8, 10 and 11 are further amended for agreement with their respective independent claims. Claim 38 is amended to overcome the Office Action's objection. Claims 25 and 29 are amended to overcome the Office Action's rejection under 35 U.S.C. §112 second paragraph. Support for the addition of claim 40 can be found throughout Applicants' specification. Thus, no new matter is added by the amendments. A Request for Continued Examination is attached. Reconsideration of the application based on the above amendments and following remarks is respectfully requested.

The courtesies extended by Examiner Reichle at the personal interview held July 12, 2010 are appreciated. At the interview, it was agreed that the features recited in added claim 40 appear patentable over the applied references.

The Office Action objects to the drawings and specification and rejects the specification under 35 U.S.C. §112. As suggested by Examiner Reichle at the personal interview, Applicants respectfully request that the Patent Office hold these objections and rejections in abeyance until the Patent Office identifies allowable subject matter.

Claims 27, 38 and 39 are objected to. Claim 38 is amended, as suggested by the Office Action, to overcome the objection. Withdrawal of the objection is respectfully requested.

Claims 8-10, 23, 25, 27, 29, 36, 37 and 39 are rejected under 35 U.S.C. §112, second paragraph.

The rejection of claim 8 is rendered moot by the cancellation of claim 1 and addition of claim 40. Claims 25 and 29 are amended to overcome the rejection. Withdrawal of the rejection is respectfully requested.

Claims 1-6 and 8-39 are rejected under 35 U.S.C. §112, first paragraph. This rejection is rendered moot by the cancellation of claim 1.

On page 8 the Office Action improperly asserts that claim 20 is a product-by-process claim. Claim 20 is an apparatus claim. Claim 20 is amended to more positively recite the features. Applicants respectfully request that the Patent Office read claim 20 as an apparatus claim.

This Office Action also improperly relies on a dictionary definition to define the term "coat." Instead of relying on the intrinsic evidence of the record to define "coat." Applicants respectfully submit that coat should be interpreted based on Applicants' specification and the record of the application, not on any outside source.

Claims 1-6, 8-15, 17-21, 30, 31, 35 and 36 are rejected under 35 U.S.C. §102(e) over Roe, U.S. Patent No. 6,627,786; claims 32-34 are rejected under 35 U.S.C. §103(a) over Roe; claim 16 is rejected under 35 U.S.C. §103(a) over Roe in view of McCormack, U.S. Patent No. 6,111,163 in view of Bewick-Sonntag, U.S. Patent No. 6,232,521; and claims 22-29 and 37-39 are rejected under 35 U.S.C. §103(a) over Roe in view of Brownlee WO 99/12502 in view of Pranger Canadian Patent Document 2255465. The rejections have been rendered moot by the cancellation of claim 1.

The features recited by added claim 40 also would not have been rendered obvious by the applied references. As agreed at the interview, none of the applied references appear to disclose a feature that can reasonably be interpreted to correspond to the feature the back sheet fully covers a lower surface of the absorber in the longitudinal direction and the lateral direction, and includes a left wall and a right wall, each of the left wall and the right wall extending along a left side and a right side of the absorber and exceeding the surface sheet in a lamination direction in which the absorber and the surface sheet are laminated on the back sheet, a set of flow passages are formed in the longitudinal direction beginning on the top of

the surface sheet where a discharged liquid is supplied from the wearer's body, each flow passage exceeding each lateral end of the surface sheet and extending along a space between the left and right walls of the back sheet and the left and right sides of the absorber respectively, and each flow passage is provided such that at least a part of a discharged liquid flows off from the surface sheet into at least one of the flow passage, toward the back sheet and moves between the back sheet and the absorber, as recited in claim 40.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 2-6 and 8-40 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Request for Continued Examination
Petition for Extension of Time

Date: July 19, 2010

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